

BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)

Against:)

DALE ROBERT MONGRAIN, M.D.)

Certificate No. G-29446)

No: 10-1997-80340

Respondent)

DECISION

The attached Stipulation in Settlement and Order is hereby adopted by the Division of Medical Quality as its Decision in the above-entitled matter.

This Decision shall become effective at 5:00 p.m. on February 14, 2000.

IT IS SO ORDERED January 14, 2000.

By: _____



IRA LUBELL, M.D.

President

Division of Medical Quality

1 BILL LOCKYER, Attorney General
of the State of California
2 SANFORD FELDMAN,
Deputy Attorney General
3 State Bar No. 47775
Department of Justice
4 110 West A Street, Suite 1100
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5 San Diego, CA 92186-5266
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6 Attorneys for Complainant
7

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) Case No. 10-97-80340
Against:)

12 **DALE ROBERT MONGRAIN, M.D.**)

13 135 Main Street)

14 P.O. Box 159)

15 Brawley, CA 92227)

16 Physician's and Surgeon's)

17 Certificate No. G 29446)

Respondent.)

STIPULATION
IN SETTLEMENT
AND ORDER

18
19 Complainant, Ron Joseph, Executive Director of the
20 Medical Board of California ("Board"), by and through his
21 attorney, Bill Lockyer, Attorney General of the State of
22 California, by Sanford Feldman, Deputy Attorney General, and Dale
23 Robert Mongrain, M.D. ("respondent"), by and through his attorney
24 William R. Winship, Esq., hereby stipulate as follows:

25 1. The Division of Medical Quality of the Board
26 ("Division") acquired jurisdiction over respondent by reason of
27 the following:

1 A. Respondent was duly served with a copy of the
2 Accusation, Statement to Respondent, Request for Discovery,
3 Form Notice of Defense and copies of Government Code
4 sections 11507.5, 11507.6 and 11507.7 as required by section
5 11503 and 11505, and respondent timely filed a Notice of
6 Defense within the time allowed by section 11506 of the
7 code.

8 B. Respondent has received and read the
9 Accusation which is presently on file as Case No. 10-97-
10 80340 before the Division. Respondent understands the
11 nature of the charges alleged in the Accusation and that the
12 charges and allegations constitute cause for imposing
13 discipline upon respondent's license to practice medicine
14 which was issued by the Board.

15 2. Respondent and his counsel are aware of each of
16 respondent's rights, including the right to a hearing on the
17 charges and allegations, the right to confront and cross-examine
18 witnesses who would testify against respondent, the right to
19 present evidence in his favor and call witnesses on his behalf,
20 or to testify, his right to contest the charges and allegations,
21 and other rights which are accorded to respondent pursuant to the
22 California Administrative Procedure Act (Gov. Code, § 11500 et
23 seq.), including the right to seek reconsideration, review by the
24 superior court, and appellate review.

25 3. Respondent freely and voluntarily waives each and
26 every one of the rights set forth in paragraph 2.

27 ///

1 4. Respondent understands that in signing this
2 stipulation rather than contesting the Accusation, he is enabling
3 the Division to issue the following order without further
4 process.

5 5. For the purpose of resolving Accusation
6 No. 10-97-80340, respondent admits that he failed to maintain
7 adequate and accurate medical records, in violation of Business
8 and Professions Code section 2266, as alleged in the Accusation.
9 Respondent hereby gives up his right to contest the charges and
10 allegations in the Accusation and agrees to be bound by the
11 Division's Disciplinary Order as set forth below.

12 6. It is understood by respondent that, in deciding
13 whether to adopt this stipulation, the Division may receive oral
14 and written communications from its staff and the Attorney
15 General's office. Communications pursuant to this paragraph
16 shall not disqualify the Division or other persons from future
17 participation in this or any other matter affecting respondent.
18 In the event this settlement is not adopted by the Division, the
19 stipulation will not become effective and may not be used for any
20 purpose, except for this paragraph, which shall remain in effect.

21 7. This Stipulation in Settlement and Decision is
22 intended by the parties herein to be an integrated writing
23 representing the complete, final and exclusive embodiment of the
24 agreements of the parties.

25 8. The parties agree that facsimile copies of this
26 Stipulation, including facsimile signatures of the parties, may
27 be used in lieu of original documents and signatures. The

1 facsimile copies will have the same force and effect as
2 originals.

3 9. Based upon the foregoing, it is stipulated and
4 agreed that the Division may issue the following as its decision
5 in this case.

6 **ORDER**

7 IT IS HEREBY ORDERED that Physician's and Surgeon's
8 Physician's and Surgeon's Certificate No. G 29446 issued to Dale
9 Robert Mongrain, M.D., is revoked. However, revocation of said
10 certificate is stayed and respondent is placed on probation for
11 five (5) years on the terms and conditions set forth below.
12 Within 15 days after the effective date of this decision,
13 respondent shall provide the Division, or its designee, proof of
14 service that respondent has served a true copy of this decision
15 on the Chief of Staff or the Chief Executive Officer at every
16 hospital where privileges or membership are extended to
17 respondent or where respondent is employed to practice medicine
18 and on the Chief Executive Officer at every insurance carrier
19 where malpractice insurance coverage is extended to respondent.

20 1. **EDUCATION COURSE**

21 Within 90 days from the effective date of this
22 decision, and on an annual basis thereafter, respondent shall
23 submit to the Division or its designee for its prior approval an
24 educational program or course to be designated by the Division,
25 which shall not be less than 25 hours per year for each year of
26 probation. This program shall be in addition to the Continuing
27 Medical Education requirements for re-licensure. Following the

1 completion of each course, the Division or its designee may
2 administer an examination to test respondent's knowledge of the
3 course. Respondent shall provide proof of attendance for 45
4 hours of continuing medical education of which 25 hours were in
5 satisfaction of this condition and were approved in advance by
6 the Division or its designee.

7 2. **ETHICS COURSE**

8 Within sixty (60) days of the effective date of
9 this decision, respondent shall enroll in a course in Ethics
10 approved in advance by the Division or its designee, and shall
11 successfully complete the course during the first year of
12 probation.

13 3. **CLINICAL TRAINING PROGRAM**

14 Within 90 days from the effective date of this
15 decision, respondent, at his expense, shall enroll in The
16 Physician Assessment and Clinical Education Program at the
17 University of California, San Diego School of Medicine
18 (hereinafter, the "PACE Program") and shall undergo assessment,
19 clinical training and examination. First, respondent shall
20 undergo the comprehensive assessment program including the
21 measurement of medical skills and knowledge and the appraisal of
22 physical health and psychological testing. After assessment, the
23 PACE Evaluation Committee will review all results and make a
24 recommendation to the Division or its designee and the respondent
25 and other authorized personnel regarding clinical training
26 (including scope and length), treatment of any medical and/or
27 psychological condition and any other matters affecting

1 respondent's practice of medicine. Upon approval of the
2 recommendation by the Division or its designee, respondent shall
3 undertake and complete the recommended and approved PACE Program.
4 At the completion of the PACE Program, respondent shall submit to
5 examination on its contents and substance. The examination shall
6 be designed and administered by the PACE Program faculty.
7 Respondent shall not be deemed to have successfully completed the
8 program unless he passes the examination. Respondent agrees that
9 the determination of the PACE Program faculty as to whether or
10 not he passed the examination and/or successfully completed the
11 PACE Program shall be binding.

12 Respondent shall complete the PACE Program no later
13 than six months after his initial enrollment unless the Division
14 or its designee agrees in writing to a later time for completion.

15 If respondent successfully completes the PACE Program,
16 including the examination referenced above, he agrees to cause
17 the PACE Program representative to forward a Certification of
18 Successful Completion of the program to the Division or its
19 designee. If respondent fails to successfully complete the PACE
20 Program within the time limits outlined above, he shall be
21 suspended from the practice of medicine.

22 Failure to participate in, and successfully complete
23 all phases of the PACE Program, as outlined above, shall
24 constitute a violation of probation.

25 **4. MONITORING**

26 Within 30 days of the effective date of this decision,
27 respondent shall submit to the Division or its designee for its

1 prior approval a plan of practice by which respondent's
2 determinations of appropriate laboratory testing and his billing
3 for such testing shall be monitored for the first two years of
4 probation by another physician in respondent's field of practice,
5 who shall provide periodic reports to the Division or its
6 designee.

7 If the monitor resigns or is no longer available,
8 respondent shall, within 15 days, move to have a new monitor
9 appointed, through nomination by respondent and approval by the
10 Division or its designee.

11 **5. OBEY ALL LAWS**

12 Respondent shall obey all federal, state and local
13 laws, all rules governing the practice of medicine in California,
14 and remain in full compliance with any court ordered criminal
15 probation, payments and other orders.

16 **6. QUARTERLY REPORTS**

17 Respondent shall submit quarterly declarations under
18 penalty of perjury on forms provided by the Division, stating
19 whether there has been compliance with all the conditions of
20 probation.

21 **7. PROBATION SURVEILLANCE PROGRAM COMPLIANCE**

22 Respondent shall comply with the Division's probation
23 surveillance program. Respondent shall, at all times, keep the
24 Division informed of his or her addresses of business and
25 residence which shall both serve as addresses of record. Changes
26 of such addresses shall be immediately communicated in writing to

27 ././.

1 the Division. Under no circumstances shall a post office box
2 serve as an address of record.

3 Respondent shall also immediately inform the Division,
4 in writing, of any travel to any areas outside the jurisdiction
5 of California which lasts, or is contemplated to last, more than
6 30 days.

7 **8. INTERVIEW WITH THE DIVISION, ITS DESIGNEE OR ITS**
8 **DESIGNATED PHYSICIAN(S)**

9 Respondent shall appear in person for interviews with
10 the Division, its designee or its designated physician(s) upon
11 request at various intervals and with reasonable notice.

12 **9. TOLLING FOR OUT-OF-STATE PRACTICE, RESIDENCE OR**
13 **IN-STATE NON-PRACTICE**

14 In the event respondent should leave California to
15 reside or to practice outside the State or for any reason should
16 respondent stop practicing medicine in California, respondent
17 shall notify the Division or its designee in writing within ten
18 days of the dates of departure and return or the dates of non-
19 practice within California. Non-practice is defined as any
20 period of time exceeding 30 days in which respondent is not
21 engaging in any activities defined in Sections 2051 and 2052 of
22 the Business and Professions Code. All time spent in an
23 intensive training program approved by the Division or its
24 designee shall be considered as time spent in the practice of
25 medicine. Periods of temporary or permanent residence or
26 practice outside California or of non-practice within California,
27 as defined in this condition, will not apply to the reduction of

1 the probationary period. During periods of temporary or
2 permanent residence or practice outside California or of non-
3 practice within California; as defined in this condition,
4 respondent is not required to comply with any terms and
5 conditions of probation other than the requirement for the
6 payment of cost recovery, as set in paragraph 13 below.

7 10. **COMPLETION OF PROBATION**

8 Upon successful completion of probation, respondent's
9 certificate shall be fully restored.

10 11. **VIOLATION OF PROBATION**

11 If respondent violates probation in any respect, the
12 Division, after giving respondent notice and the opportunity to
13 be heard, may revoke probation and carry out the disciplinary
14 order that was stayed. If an accusation or petition to revoke
15 probation is filed against respondent during probation, the
16 Division shall have continuing jurisdiction until the matter is
17 final, and the period of probation shall be extended until the
18 matter is final.

19 12. **COST RECOVERY**

20 Within 90 days of the effective date of this order,
21 respondent shall pay the Division the amount of \$2,850.50 for its
22 investigation and prosecution costs. Failure to reimburse the
23 Division's cost of its investigation and prosecution as set forth
24 herein shall constitute a violation of the probation order,
25 unless the Division agrees in writing to payment by an
26 installment plan because of financial hardship. The filing of
27 bankruptcy by the respondent shall not relieve the respondent of

1 his/her responsibility to reimburse the Division for its
2 investigative and prosecution costs.

3 **13. PROBATION MONITORING COSTS**

4 Respondent shall pay the costs associated with
5 probation monitoring each and every year of probation. Such
6 costs, which are currently set at \$2,304 per year and may vary
7 from year to year, shall be payable to the Division at the
8 beginning of each calendar year. Failure to pay such costs shall
9 constitute a violation of probation.

10 **14. LICENSE SURRENDER**

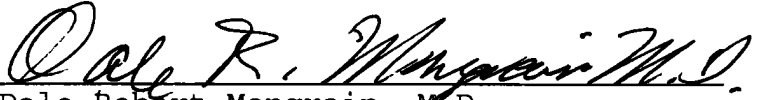
11 Following the effective date of this decision, if
12 respondent ceases practicing due to retirement, health reasons or
13 is otherwise unable to satisfy the terms and conditions of
14 probation, respondent may voluntarily tender his/her certificate
15 to the Division. The Division reserves the right to evaluate the
16 respondent's request and to exercise its discretion whether to
17 grant the request, or to take any other action deemed appropriate
18 and reasonable under the circumstances. Upon formal acceptance
19 of the tendered license, respondent will no longer be subject to
20 terms and conditions of probation.

21 **ACCEPTANCE**

22 I have carefully read and fully understand the
23 stipulation and order set forth above. I have discussed the
24 terms and conditions set forth in the stipulation and order with
25 my attorney, William R. Winship, Esq. I understand that in
26 signing this stipulation I am waiving my right to a hearing on
27 the charges set forth in the Accusation on file in this matter.

1 I further understand that in signing this stipulation the
2 Division may enter the foregoing order placing certain
3 requirements, restrictions and limitations on my right to
4 practice medicine in the State of California.

5 DATED: 12/21/99

6
7
8 
9 Dale Robert Mongrain, M.D.
Respondent

10 I concur in the Stipulation.

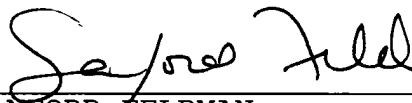
11 DATED: 12/21/99

12
13
14 
15 WILLIAM R. WINSHIP
16 Attorney for Respondent

17 I concur in the Stipulation.

18 DATED: 12/21/99

19 BILL LOCKYER, Attorney General
20 of the State of California

21
22 
23 SANFORD FELDMAN
24 Deputy Attorney General
25 Attorneys for Complainant

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27 mbc\mongrain\mbc.12/21/99

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7 Attorneys for Complainant

8 **BEFORE THE**
9 **DIVISION OF MEDICAL QUALITY**
10 **MEDICAL BOARD OF CALIFORNIA**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation)
12 Against:)

Case No. 10-97-80340

13 **DALE ROBERT MONGRAIN, M.D.**)

14 135 Main Street)

P.O. Box 159)

15 Brawley, CA 92227)

Physician's and Surgeon's)

16 Certificate No. G 29446)

17 Respondent.)

ACCUSATION

18
19 Complainant, Ron Joseph, as causes for disciplinary
20 action, hereby alleges:

21 **PARTIES**

22 1. Complainant, Ron Joseph, is the Executive Director
23 of the Medical Board of California (hereinafter the "Board") and
24 brings this Accusation solely in his official capacity.

25 2. On or about June 16, 1975, Physician's and
26 Surgeon's Certificate No. G 29446 was issued by the Board
27 to Dale Robert Mongrain, M.D. ("respondent"), and at all relevant

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO *December 8 19 98*
BY *Samuel S. Mather* **ANALYST**

1 times herein, said Physician's and Surgeon's Certificate
2 was in full force and effect, except as noted below. Unless
3 renewed, it will expire on December 31, 1999.

4 3. On August 5, 1987, an Accusation was filed by the
5 Division against respondent. On February 29, 1988, a Decision
6 of the Division became effective. That Decision revoked
7 respondent's license, stayed revocation and placed him on
8 three years probation with various terms and conditions. On
9 February 28, 1991, respondent's probation was completed.

10 JURISDICTION

11 4. This Accusation is brought before the Division of
12 Medical Quality of the Board (hereinafter the "Division"), under
13 the authority of the following sections of the California
14 Business and Professions Code (hereinafter "Code"):

15 A. Code section 2227 provides, in pertinent
16 part, that the Division may revoke, suspend for a period not
17 to exceed one year, or place on probation and order the
18 payment of probation monitoring cost, the license of any
19 licensee who has been found guilty under the Medical
20 Practice Act.

21 B. Code section 2234 provides, in pertinent
22 part, that the Division shall take action against any
23 licensee who is charged with unprofessional conduct.
24 Unprofessional conduct includes, but is not limited to,
25 the following:

26 "(a) . . .

27 "(b) Gross negligence.

1 "(c) Repeated negligent acts.

2 "(d) Incompetence.

3 "(e) The commission of any act involving dishonesty or
4 corruption which is substantially related to the
5 qualifications, functions or duties of a physician and
6 surgeon.

7 ". . . ."

8 C. Code section 725 provides that repeated acts
9 of clearly excessive prescribing or administering of drugs
10 or treatment, repeated acts of clearly excessive use of
11 diagnostic or treatment facilities as determined by the
12 standard of the community of licensees is unprofessional
13 conduct.

14 D. Code section 810 provides, in pertinent part,
15 that It shall constitute unprofessional conduct and grounds
16 for disciplinary action, including suspension or revocation
17 of a license or certificate, for a health care professional
18 to do any of the following in connection with his
19 professional activities: (1) knowingly present or cause to
20 be presented any false or fraudulent claim for the payment
21 of a loss under a contract of insurance; (2) knowingly
22 prepare, make, or subscribe any writing, with intent to
23 present or use the same, or to allow it to be presented or
24 used in support of any such claim.

25 E. Code section 2261 provides, in pertinent
26 part, that knowingly making or signing any certificate
27 or other document directly or indirectly related to the

1 practice of medicine which falsely represents the existence
2 or nonexistence of a state of facts, constitutes
3 unprofessional conduct.

4 F. Code section 2266 provides, in pertinent
5 part, that the failure of a physician and surgeon to
6 maintain adequate and accurate records relating to the
7 provision of services to their patients constitutes

8 G. Code section 125.3 provides, in part, that
9 the Board may request the administrative law judge to direct
10 any licentiate found to have committed a violation or
11 violations of the licensing act, to pay the Board a sum not
12 to exceed the reasonable costs of the investigation and
13 enforcement of the case.

14 5. Section 16.01 of the Budget Act of the State of
15 California provides, in pertinent part, that: (a) no funds
16 appropriated by this act may be expended to pay any Medi-Cal
17 claim for any service performed by a physician while that
18 physician's license is under suspension or revocation due to a
19 disciplinary action of the Medical Board of California; and,
20 (b) no funds appropriated by this act may be expended to pay
21 any Medi-Cal claim for any surgical service or other invasive
22 procedure performed on any Medi-Cal beneficiary by a physician
23 if that physician has been placed on probation due to a
24 disciplinary action of the Medical Board of California related
25 to the performance of that specific service or procedure on any
26 patient, except in any case where the board makes a determination
27 during its disciplinary process that there exist compelling

1 circumstances that warrant continued Medi-Cal reimbursement
2 during the probationary period.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Gross Negligence, Repeated
5 Negligent Acts and Incompetence)

6 6. Respondent Dale Robert Mongrain, M.D., is subject
7 to disciplinary action on account of the following:

8 Patient JoEllen J.

9 A. On October 7, 1996, 38 year old female
10 patient JoEllen J. (hereinafter "JoEllen") presented to
11 respondent. After examination, respondent's impressions
12 were that JoEllen had: pre-menopausal syndrome with mood
13 swings and menometrorrhagis; possible rheumatoid arthritis
14 or an autoimmune disorder; possible thyroid condition;
15 possible endocrinologic condition; possible cholesterol
16 elevations and possible blood dyscrasia.

17 B. On this first visit, respondent, without
18 charted medical indication for it, ordered a battery of lab
19 tests including mono, AST, streptozyme, IGE, cortisol,
20 aldosterone and bleeding time. Respondent also ordered
21 pulmonary function studies because he gave JoEllen Phен-Fen.

22 C. On October 14, 1996, JoEllen again presented
23 to respondent. During that visit, respondent diagnosed
24 bradycardia and congestive heart failure even though his
25 records do not report a lung or heart examination or other
26 examination sufficient to justify this diagnosis. In fact,
27 ///

1 even though respondent performed an EKG and reported that it
2 revealed bradycardia, it did not.

3 D. Respondent's chart for JoEllen falsely
4 reported that lab work was done on November 7, 1996.

5 E. On November 27, 1996, JoEllen returned for a
6 third and final visit. Respondent continued to diagnosis
7 pre-menstrual syndrome, congestive heart failure and
8 autoimmune disease. Respondent's chart for JoEllen falsely
9 reported that lab work was done on November 27, 1996.

10 F. Respondent's chart for JoEllen falsely
11 reported that lab work was done on December 6, 1996.

12 G. Respondent billed JoEllen's insurer for the
13 falsely reported lab work and for lab work for which there
14 was no medical indication.

15 H. Respondent's chart for JoEllen's lab work
16 failed to note the name or initials of the technologist who
17 drew the specimens.

18 Patient Carl G.

19 I. On October 17, 1996, patient Carl G.
20 (hereinafter "Carl") first presented to respondent. From
21 that date up to and including November 10, 1997, respondent
22 reported approximately 50 outpatient visits for Carl.

23 J. During the initial evaluation of October 17,
24 1996, respondent, without charted medical indication for it,
25 ordered a battery of laboratory studies that included
26 thyroid studies, chemistry panel, iron level, CBC and
27 platelet count, ASO, CRP, FP, RPR, mono, ivy bleeding time,

1 reticulocyte count, magnesium level, urine osmolality,
2 cortisol, PT and PTT, amylase and more. Respondent's
3 diagnosis included: COPD, allergies, questionable history
4 of no sexual problems, hypertension, stress, prior bleeding
5 problem and dehydration.

6 K. When Carl presented on November 1, 1996,
7 respondent, without charted medical indication for it,
8 ordered LH, FSH, prolactin, testosterone and PSA testing.

9 L. When Carl presented on November 20, 1996,
10 respondent, without charted medical indication for it,
11 ordered cortisol and aldosterone level, coagulations studies
12 and numerous thyroid tests. Respondent also ordered a
13 repeat urine osmolality.

14 M. When Carl presented on March 17, 1997,
15 respondent, without charted medical indication for it,
16 ordered a repeat LH, FSH and prolactin level even though
17 prior lab results for these tests were normal. In addition,
18 without charted medical indication for it, ordered an H-
19 pylori test, another urine osmolality test.

20 N. Repeatedly, respondent's chart for Carl fails
21 to document when blood was drawn, when the lab test were run
22 and which technologist did the study. In addition, the
23 dates of lab work are incorrectly reported as of the date
24 the patient was billed rather than the date the sample was
25 drawn.

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1 O. Respondent billed Carl's insurer for falsely
2 reported lab work and for lab work for which there was no
3 medical indication.

4 7. Respondent Dale Robert Mongrain, M.D., is subject
5 to disciplinary action in that he committed acts of gross
6 negligence, repeated negligent acts and incompetence, in
7 violation of Code sections 2234(b), 2234(c) and 2234(d), in that:

8 A. Complainant realleges paragraph 6 above as if
9 fully set forth at this point.

10 B. Respondent incorrectly diagnosed JoEllen as
11 having bradycardia and congestive heart failure.

12 C. Respondent diagnosed JoEllen as having
13 bradycardia and congestive heart failure without first
14 performing a cardiac or pulmonary examination.

15 D. Respondent failed to document medical
16 indication for ordered lab work.

17 E. Respondent ordered lab work that was not
18 medical indication.

19 F. Respondent falsely represented the date
20 specimens were taken.

21 G. Respondent failed to note the date on which
22 lab specimens were taken.

23 H. Respondent failed to note the technologist
24 who drew the specimens.

25 I. Respondent failed to note the date on which
26 lab test were run.

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1 J. Respondent billed insurers for lab work that
2 was not medically indicated.

3 K. Respondent billed insurers for lab work that
4 was not done on that date billed.

5 L. Respondent failed to maintain adequate and
6 accurate medical records.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Dishonesty or Corruption, False
9 Medical Records and Insurance Fraud)

10 8. Respondent Dale Robert Mongrain, M.D., is further
11 subject to disciplinary action in that he committed acts of
12 dishonesty or corruption substantially related to the duties,
13 functions and qualifications of a physician and surgeon, he
14 created false medical records and he committed acts of insurance
15 fraud, in violation of Code sections 2234(e), 2261 and 810, as
16 more particularly set forth in paragraphs 6 and 7 above which are
17 realleged as if fully set forth at this point.

18 **THIRD CAUSE FOR DISCIPLINE**

19 (Excessive Use of Diagnostic Procedures)

20 9. Respondent Dale Robert Mongrain, M.D., is further
21 subject to disciplinary action in that he committed repeated acts
22 of clearly excessive use of diagnostic procedures as determined
23 by the standard of the community of licensees, in violation of
24 Code section 725, as more particularly set forth in paragraphs 6
25 and 7 above which are realleged as if fully set forth at this
26 point.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Inadequate and Inaccurate Medical Records)

3 10. Respondent Dale Robert Mongrain, M.D., is further
4 subject to disciplinary action in that he failed to maintain
5 adequate and accurate medical records, in violation of Code
6 section 2266, as more particularly set forth in paragraphs 6 and
7 7 above which are realleged as if fully set forth at this point.

8 **PRAYER**

9 WHEREFORE, complainant requests that the Division hold
10 a hearing on the matters alleged herein, and that following said
11 hearing, the Division issue a decision:

12 1. Revoking or suspending Physician's and Surgeon's
13 Certificate No. G 29446, heretofore issued to respondent Dale
14 Robert Mongrain, M.D.;

15 2. Directing respondent Dale Robert Mongrain, M.D.,
16 to pay to the Board a reasonable sum for its investigative and
17 enforcement costs of this action, and directing respondent, if
18 placed on probation, to pay the costs of probation monitoring;
19 and,

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27 ///

1 3. Taking such other and further action as the
2 Division deems appropriate to protect the public health, safety
3 and welfare.

4 DATED: December 8, 1998

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9 _____
10 Ron Joseph
11 Executive Director
12 Medical Board of California
13 Department of Consumer Affairs
14 State of California

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17 Complainant

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